

November 26, 2007

Hon. Phillip Isenberg, Chairman
Delta Vision Blue Ribbon Task Force
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on the Third/Final Draft Delta Vision

Dear Chairman Isenberg and Task Force Members:

Congratulations on reaching the end of Stage I of the Delta Vision process; the "end of the beginning". In the words of Pogo, "We stand here confronted by insurmountable opportunities." The Santa Clara Valley Water District (District) looks forward to continuing to work with you and your staff to pursue those opportunities in a manner that will best secure California's water future while improving and sustaining the Delta's environmental health.

The final draft Vision document is very impressive, and much improved. It is comprehensive in scope, generally pragmatic in approach, appropriately urgent in its recommendations, and reflects the Task Force's deliberations. Moreover, in almost all aspects, the final draft Vision has addressed previously raised concerns with thoughtful and responsive changes. We commend the staff for their hard work in developing such a valuable prospectus as we move into the Delta Vision strategic planning stage.

Perhaps the most welcome revision was of the admonishment that "we" should "expect reduced exports" with the modifier "may require". In addition, the explicit inclusion of upstream and in-Delta diversions as being in the mix for assessment, and the acknowledgement that "patterns of diversions" can be an effective operational tool rather than maintaining a singular focus on the magnitude of exports, exhibit a more encompassing approach.

Nevertheless, unfortunately, on page 18, line 39, "expectations of reduced diversions" still rears itself. Instead of using "expectations" in this instance, a more consistent and appropriate alternative would be: "incorporating the potential for reduced diversions" etc.

In a similar vein, just as a predetermination that future project exports will be reduced is unwarranted, so too: "...we do not envision any increases in available supplies for export outside the Delta. To do so would compromise our priority for ecosystem protection." (Page 29, lines 1-2) These statements should be deleted.

To broach the subject of export levels in an unknown future is essentially a meaningless exercise since hydrology, regulatory requirements and facilities in place will ultimately be determinative of how much water can or cannot be diverted above, in, or from the Delta at any given time.

With respect to the relationship between water supply export levels and ecosystem protection, it is important to remember that the timing of flows and exports play a large role in determining how much water can be moved. Under certain scenarios, it may indeed be possible to increase exports during periods when it wouldn't significantly impact the ecosystem and which would allow a reduction or even stoppage of project operations at a time when it could tremendously benefit the ecosystem. The conclusive statement of incompatibility between ecosystem protection and volume of exports is an overstatement that should be revised or eliminated.

The comment on page 3 that "decisions about conveyance are not the starting point but the final piece of the puzzle" is true in many respects. However, we strongly urge that on the issue of conveyance we don't succumb to additional "analysis paralysis" before initiating a CEQA process. We should get moving now. The CEQA process itself will provide more than sufficient information through alternatives analyses to inform ultimate decisions.

Although the draft Vision explains rather well what the term "co-equal" means and doesn't mean, including the concept of "integration" specifically discussed by the Task Force, for some reason that explanation doesn't come until page 26 of the document. We have previously provided comment about our discomfort with this term. We suggest the explanation on page 26 be incorporated into the discussion on page 4 when the term "co-equal" first appears. Interestingly, on page 28, the document uses language that is more flexible and suitable than "co-equal", i.e. "overriding priorities". We urge the elimination of "co-equal" throughout the document, replaced with language more reflective of the Task Force's discussion referencing "overriding priorities" and "integration".

We are pleased that the draft Vision specifically identifies invasive species as an issue that must be addressed sooner rather than later (Page 7, lines 30-31). We believe the Task Force could provide significant impetus to providing partial relief from this issue if it would also recommend that state and federal regulatory requirements be implemented in a manner that acknowledges, accounts for, and reflects the impacts of invasive species that are beyond the control of any particular regulated party. Similarly, the affect of climate change over the next decades needs to be incorporated into regulatory regimes impacting water and environmental management in the Delta.

Though mentioned on page 7, as noted above, on pages 15 (lines 41-46) and 16 (lines 32-34) invasive species are conspicuously absent as an identified stressor and a powerful disruptive force affecting the Delta's overall ecosystem health. We suggest that invasive species be added in both instances.

Another concept we have previously raised concerns about is so-called "regional self-sufficiency". While it is an improvement when on page 7 (line 36) it appears with the modifier "increased", we maintain our view that it would be much more realistic and practical to replace it with language such as: "increased investments in locally developable water supplies to reduce dependence on the Delta during times of drought or periods where diversions above, in, and from the Delta may be reduced to meet ecosystem objectives."

On page 9 (line 13), the word “must” is used with regard to the coupling of conveyance and storage. We are concerned that this could result in an interpretation by some that the Task Force recommends progress on conveyance improvements be held hostage to construction of new storage. While the District supports investments in storage and conveyance, there are significant benefits that can be derived from an improved conveyance system without simultaneous increases in surface storage. Nevertheless, we also believe that both rather than either (and certainly more than neither) will provide the most benefit to California.

We generally concur with the statement on page 19 (lines 3-4) -- “Building new conveyance alone, without new storage, would seriously compromise the ability to protect the estuary and provide sufficient environmental flows.” However, as we commented above regarding the related language on page 9, this statement, along with the repeat of the word “must”, could be erroneously interpreted as a position that storage is somehow a condition precedent to conveyance improvements. Just as the draft Vision is explicit in its call for investments in both storage and conveyance, the Task Force should make an equally explicit declaration that though together increased storage and improved conveyance will provide multiple benefits to the State greater than the sum of their parts, neither should be held up for the other. It’s time to get on with both as soon as possible.

Related to our unease with the notion of “regional self-sufficiency”, the draft Vision inexplicably continues to perpetuate a false impression of California’s overall dependence on the Delta as the hub of the State’s major water projects and ultimately on the water that is conveyed through it. The statement that imported and project water is inconsequential compared to most local projects (Page 19, lines 13-14) represents a grave misunderstanding of how water agencies practice integrated water resource management and how truly critical imported water supplies are in ensuring reliability over the long-term.

The paragraph in question is seemingly intended to illustrate there are other water supplies utilized throughout California that are not provided by the SWP and CVP. True. However, we believe the language unacceptably discounts the very real value of the projects to Californians, their quality of life and their economy. The impression given is that water supplies delivered by the SWP and CVP are not of any real consequence and if lost would not cause noticeable problems or economic dislocation. We do not believe that was the intent of the sentence, however, it can be improved by adding context along the lines of, “even though some areas of the State are highly dependent on SWP/CVP water for M&I and agricultural uses (e.g. Zone 7, various contractors who are 100% dependent on MWD, etc.), and local supplies in many regions could not sustain the present level of economic development that has already occurred if project supplies were lost.”

The paragraph at the top of page 20 (lines 2-6) seems out of place and doesn’t really provide any value-added. On the one hand the draft Vision is pressing that California needs additional storage to meet Delta challenges, but here the document asserts both there are no good reservoir sites left and they’d be too financially expensive and environmentally harmful to build anyhow. Not only do we disagree with that conclusion, we believe it is internally inconsistent with other portions of the Vision. We suggest striking the entire paragraph.

We welcome the detailed proposal put forth regarding governance issues. The draft Vision states, "Further development of proposals on governance will occur as more detailed work will occur during the strategic planning stage of Delta Vision in 2008." We again agree and, consequently, recommend that the Task Force NOT "approve" any of the specific language provided by staff on pages 24 and 25. Instead, we urge the Task Force to simply indicate if the proposed categories and general structure are compatible with the views of the Task Force members, allowing you to stay at a macro-level perspective for now. The Stakeholder Coordinating Group (SCG) will no doubt undertake a vigorous discussion of governance issues as one of its first orders of business during the upcoming strategic planning stage. By providing an outline, the Task Force can take full advantage of the SCG's input rather than attempting to pre-ordain parameters that may not work for many.

On page 22 (lines 19-20) the draft Vision once again repeats a pejorative statement from previous drafts that there are "incentives to misuse or overuse Delta water that ensure a constant oversubscription of the resource" without any substantiation or examples. We remain at a loss as to both why this was included in the first draft and why it remains now. It should be deleted. Perhaps the intent is to indicate that, arguably, water law, federal reclamation law and the marketplace sometimes provide incentives or disincentives that are not conducive to most efficiently and effectively addressing the plethora of the problems plaguing California water management, including those centered on the Delta? Assuming that's the case, that's what should be stated, not a loaded and incendiary assertion.

Finally, as outlined in the box at the top of page 26, the idea that we need to wait until the 22nd century for the Vision to be realized is a bit too fatalistic and, with regard to certain components of the Vision, much too prolonged. There is no question it will take decades to achieve a truly resilient and sustainable ecosystem, with ongoing commitments to on-the-ground enhancements, operational improvements, and scientific support. However, modifying governance should be completed within a decade at the outside. Necessary investments in infrastructure to improve water supply and reliability, water quality, and environmental conditions in the Delta should be initiated soon and operational well prior to mid-century. As the Vision correctly states: "This is the time to act." If we do act, we should expect most of the Vision being either accomplished or set on a course for success in decades, not generations.

The memo to Governor Schwarzenegger and Secretary Chrisman pertaining to "Recommendations for Near Term Actions to Support the Vision for California's Delta" provides a good road map and is appropriately comprehensive. The District stands ready to assist, as appropriate, in moving the recommendations down the road.

In addition to the substantive comments provided above, we have also attached some further editorial changes/suggestions for your consideration.

Hon. Phillip Isenberg, Chairman
Delta Vision Blue Ribbon Task Force
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Once again, thank you for your dedication to this important effort and we look forward to continuing our involvement in concert with you and your staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stanley M. Williams".

Stanley M. Williams
General Manager
Santa Clara Valley Water District

Attachment: Editorial comments/suggestions

cc: Governor Arnold Schwarzenegger
Mike Chrisman, Secretary for Resources
Lester Snow, Director, Department of Water Resources

EDITORIAL COMMENTS/SUGGESTIONS FROM GREG ZLOTNICK

RE: DELTA VISION DRAFT # 3

Page 2, line 23: “were used to ~~export~~ convey water for export from the Delta.”

Page 2, line 25: “in the Delta and at times even reversed the flow”

Page 2, line 31: “also use water exported ~~from~~ via the Delta.”

Page 3, line 29: “vision is ~~a~~ more holistic and”

Page 7, line 22: “right volume and temperatures at the right times.”

Page 7, line 31: “impacts of these species, as well as to incorporate the realities of those impacts into environmental and water quality regulatory regimes.”

Page 7, line 35: “increased regional ~~self-sufficiency~~ investments in locally developable water supplies”

Page 8, line 32: “upstream ~~threaten~~ affect the Delta”

Page 8, line 33: “largely for agriculture also affect the health”

Page 11, line 3: “as well as ~~the~~ California’s water systems”

Page 11, line 5: “water conservation or ~~regional self-sufficiency efforts~~ additional development of local water supplies are essential”

Page 15, line 19: “upland ~~with~~ tidal marsh”

Page 18, line 8: “~~The~~ California’s major supply”

Page 18, line 12: “Flows into ~~T~~the Delta ~~is~~ are an important, but not dominant, part of California’s natural water runoff ~~supply.~~”

Page 18, line 17: “while other users divert upstream of or directly”

Page 18, line 39: “should incorporate the potential for ~~expectations of~~ reduced diversions”

Page 19, line 5: “operate the system with optimum ~~sufficient~~ flexibility to protect”

Page 26, line 29: “each must be advanced as much as practicable in any decision”

Page 28, line 4-6: “The ecosystem cannot attain sustainability ~~recover~~ if it remains ~~vulnerable~~ subject to the upstream diversions and in-Delta water system operations of the recent past, without significant investments in infrastructure and habitat.”

Page 29, line 1: “water provision we do not ~~envision~~ presuppose any increases”

Page 29, line 2: “~~To do so would compromise~~ In balance with our priority for ecosystem protection, various conditions and constraints (hydrologic, operational, regulatory, etc.) will determine future export levels at any given time.”